

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**Inventergy LBS, LLC,**

Plaintiff,

v.

**Datablaze, LLC,**

Defendant.

Case No. \_\_\_\_\_

Jury Trial Demanded

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Inventergy LBS, LLC (“Inventergy”), through its attorneys, complains of Datablaze, LLC (“Datablaze”), and alleges the following:

**PARTIES**

1. Plaintiff Inventergy LBS, LLC is a corporation organized and existing under the laws of Delaware and maintains its principal place of business at 900 East Hamilton Avenue, Campbell, CA 95008.

2. Defendant Datablaze, LLC is a corporation organized and existing under the laws of the State of Georgia that maintains its principal place of business at 868 E. Riverside Drive, Suite 210, Eagle, ID, 83616.

### **JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Datablaze because it is incorporated in the State of Georgia and has engaged in systematic and continuous business activities in this District. As described below, Datablaze has committed acts of patent infringement giving rise to this action within this District.

### **VENUE**

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Datablaze has committed acts of patent infringement in this District, has an established place of business in this District's state, and is incorporated in this District's state. In addition, Inventergy has suffered harm in this district.

### **PATENT-IN-SUIT**

7. Inventergy is the assignee of all right, title and interest in United States Patent Nos. 8,760,286 (the "'286 Patent" or "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Inventergy

possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Datablaze.

**The '286 Patent**

8. The '286 Patent is entitled “System and method for communication with a tracking device,” and issued June 24, 2014. The application leading to the '286 Patent was filed on April 10, 2012, which claims priority from provisional application number 61/065,116 filed on Feb. 8, 2008. A true and correct copy of the '286 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '286 Patent is valid and enforceable.

**COUNT I: INFRINGEMENT OF THE '286 PATENT**

10. Inventergy incorporates the above paragraphs herein by reference.

11. **Direct Infringement.** Datablaze has been and continues to directly infringe one or more claims of the '286 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Datablaze SpyderKey (“Exemplary Datablaze Products”) that infringe at least exemplary claims 1 of the '286 Patent (the “Exemplary '286 Patent Claims”) literally or by the doctrine of equivalence. On information and belief, numerous

other devices that infringe the claims of the Patent-in-Suit have been made, used, sold, imported, and offered for sale by Datablaze and/or its customers.

12. The filing of this Complaint constitutes notice and actual knowledge in accordance with 35 U.S.C. § 287.

13. Despite such actual knowledge, Datablaze continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '286 Patent. On information and belief, Datablaze has also continued to sell the Exemplary Datablaze Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '286 Patent. Thus, on information and belief, Datablaze is contributing to and/or inducing the infringement of the '286 Patent.

14. **Induced Infringement.** Datablaze actively, knowingly, and intentionally has been and continues to induce infringement of the '286 Patent, literally or by the doctrine of equivalence, by selling Exemplary Datablaze Products to their customers for use in end-user products in a manner that infringes one or more claims of the '286 Patent.

15. **Contributory Infringement.** Datablaze actively, knowingly, and intentionally has been and continues materially contribute to their own customers'

infringement of the '286 Patent, literally or by the doctrine of equivalence, by selling Exemplary Datablaze Products to their customers for use in end-user products in a manner that infringes one or more claims of the '286 Patent.

16. Exhibit B includes charts comparing the Exemplary '286 Patent Claims to the Exemplary Datablaze Products. As set forth in these charts, the Exemplary Datablaze Products practice the technology claimed by the '286 Patent. Accordingly, the Exemplary Datablaze Products incorporated in these charts satisfy all elements of the Exemplary '286 Patent Claims.

17. Inventergy therefore incorporates by reference in its allegations herein the claim charts of Exhibit B.

18. Inventergy is entitled to recover damages adequate to compensate for Datablaze's infringement.

#### **JURY DEMAND**

19. Under Rule 38(b) of the Federal Rules of Civil Procedure, Inventergy respectfully requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Inventergy respectfully requests the following relief:

- A. A judgment that the '286 Patent is valid and enforceable.

- B. A judgment that Datablaze has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '286 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Inventergy all appropriate damages under 35 U.S.C. § 284 for Datablaze's past infringement, and any continuing or future infringement of the Patent-in-Suit, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Inventergy for Datablaze's infringement, an accounting:
  - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Inventergy be awarded its reasonable attorneys' fees against Datablaze that it incurs in prosecuting this action;
  - ii. that Inventergy be awarded costs, and expenses that it incurs in prosecuting this action; and
  - iii. that Inventergy be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: May 29, 2019

Respectfully submitted,

/s/Daniel A. Kent

Daniel A. Kent

Georgia Bar Number 415110

dankent@kentrisley.com

Tel: (404) 585-4214

Fax: (404) 829-2412

Stephen R. Risley

Georgia Bar No. 606545

steverisley@kentrisley.com

Tel: (404) 585-2101

Fax: (404) 855-4383

**KENT & RISLEY LLC**

5755 N Point Pkwy Ste 57

Alpharetta, GA 30022

Tel: (404) 585-4214

Fax: (404) 829-2412

/s/ Isaac Rabicoff

Isaac P. Rabicoff

(to be admitted *pro hac vice*)

**RABICOFF LAW LLC**

73 W Monroe St

Chicago, IL 60603

(773) 669-4590

[isaac@rabilaw.com](mailto:isaac@rabilaw.com)

**Counsel for Plaintiff**

**Inventergy LBS, LLC**